

Message

From: Lewicki, Chris [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7688D5B97AA94BA6AF2F38984D479B56-CLEWICKI]
Sent: 9/4/2018 5:44:00 PM
To: Glazer, Thomas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6578deb6a4b042ffbe42a9854429feb5-Glazer, Tho]; Havard, James [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9350676809e8403994f1dfc2b7bfdcfe-JHAVARD]; Hunter, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=32905162cc58495da107db89c7dea903-Hunter, Chr]
CC: Sweeney, Stephen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=37ae2b769eab4231bdf19334e3651814-SSWEENEY]; Schroer, Lee [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=573fc5bb4942495d9fc3cd9438634244-LSCHROER]
Subject: RE: NOTICE OF INTENT TO SUE -- Clean Water Act Section 303(d)

Can someone please send me the NOI? Jim H added me to this discussion. If the NOI was circulated by OGC in prior emails, I was not included in those, and therefore did not receive.

Chris Lewicki
CWA 303(d) Litigation Coordinator
Watershed Branch
Office of Wetlands, Oceans and Watersheds
202-566-1293

Chris Lewicki

From: Glazer, Thomas
Sent: Tuesday, September 04, 2018 1:31 PM
To: Havard, James <Havard.James@epa.gov>; Hunter, Christopher <Hunter.Christopher@epa.gov>
Cc: Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Lewicki, Chris <Lewicki.Chris@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>
Subject: RE: NOTICE OF INTENT TO SUE -- Clean Water Act Section 303(d)

We'd have to raise this with Fotouhi before we can say that OGC has a view. Right now, all I would say is that it's an open question

Attorney Client / Deliberative Process / Ex. 5

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Attorney Client / Deliberative Process / Ex. 5

Tom Glazer
USEPA Office of General Counsel
Water Law Office
7426N WJC North
(202) 564-0908

From: Havard, James
Sent: Tuesday, September 04, 2018 1:24 PM
To: Glazer, Thomas <glazer.thomas@epa.gov>; Hunter, Christopher <Hunter.Christopher@epa.gov>
Cc: Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Lewicki, Chris <Lewicki.Chris@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>
Subject: Re: NOTICE OF INTENT TO SUE -- Clean Water Act Section 303(d)

Thanks Tom - (Putting OA waters aside for purposes of my question)

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Attorney Client / Deliberative Process / Ex. 5

Thanks Jim

From: Glazer, Thomas

Sent: Friday, August 31, 2018 11:00 AM

To: Hunter, Christopher; Havard, James

Cc: Sweeney, Stephen

Subject: FW: NOTICE OF INTENT TO SUE -- Clean Water Act Section 303(d)

FYI re: Oregon – let me know if you want to discuss. I know the RA was briefed on this issue weeks ago and I'm checking with ORC

Attorney Client / Deliberative Process / Ex. 5

Attorney Client / Deliberative Process / Ex. 5

Tom Glazer

USEPA Office of General Counsel

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From: Glazer, Thomas

Sent: Friday, August 31, 2018 10:57 AM

To: OGC Immediate Office MGMT <OGC_Immediate_Office_MGMT@epa.gov>; OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>

Cc: Schroer, Lee <schroer.lee@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>

Subject: NOTICE OF INTENT TO SUE -- Clean Water Act Section 303(d)

On Aug. 28, 2018, the Center for Biological Diversity transmitted the attached Notice of Intent to Sue over alleged EPA inaction with respect to Oregon's 2012 Section 303(d) List. On December 21, 2016, EPA partially approved and partially disapproved Oregon's 2012 303(d) list, proposing to add 332 waterbody segments to the State's list and expressly taking no action with respect to potential marine water impairments due to ocean acidification. EPA has not taken any further action with respect to the State's list since that time. The NOI alleges a failure to perform a non-discretionary duty under CWA section 303(d) to identify impaired Oregon waters, including those impaired by ocean acidification, after EPA's partial disapproval of Oregon's 2012 303(d) list, as required by section 303(d)(2) of the CWA, 33 U.S.C. § 1313(d)(2).

Tom Glazer

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